

**REMARKS**

Claims 1, 3-5, 7-11, 13-15 and 17-21 are pending in this application. Claims 1 and 11 are independent claims. By this Amendment, claims 1, 5 and 9-11 are amended. No new matter is added.

**Claim Rejections under 35 U.S.C. §102**

Claims 1 and 11 are rejected under 35 USC §102(b) as being anticipated by EP 0165864 to Delhomme. The rejection is respectfully traversed.

Independent claims 1 and 11 are amended to recite that the first and second protective elements are within the protective device and that the electronic switching device is between the protective device and the motor.

In Delhomme, the alleged first protective element (circuit breakers 10, 16) and the alleged second protective element (fuse 12) are located on the printed circuit board 26. Although the Office Action does not identify any structure in Delhomme as corresponding to the claimed protective device, it is presumed that the printed circuit board 26 is intended to be the protective device. However, in Delhomme the alleged switching device 2, 3, 4 is not between the printed circuit board and the motor.

Moreover, Delhomme fails to disclose or suggest “a switch within the protective device for switching off the electronic switching device in the event of an overload, the switch being connected to the first means in parallel,” as recited in the claims as amended.

As Delhomme fails to disclose or suggest all of the features recited in the rejected claims, withdrawal of the rejection is respectfully requested.

**Claim Rejections under 35 U.S.C. §103**

Claims 7 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme. The rejection is respectfully traversed.

Claims 7 and 17 are allowable for their dependency on their respective base claim, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 5, 10, 15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of US Patent 6,853,289 to Scoggin. The rejection is respectfully traversed.

Claims 5, 10, 15 and 20 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 3, 4, 9, 13, 14 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of US Patent 2,324,852 to Frank. The rejection is respectfully traversed.

Claims 3, 4, 9, 13, 14 and 19 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 8, 18 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of US Patent 5,223,681 to Bueher et al. (Bueher). The rejection is respectfully traversed.

Claims 8, 18 and 21 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

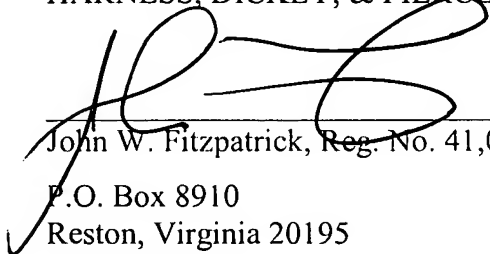
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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